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October 7, 2021

Via CM/ECF

Hon. Joseph H. Rodriguez, U.S. D.J.  
United States District Court, District of New Jersey Camden  
Mitchell H. Cohen U.S. Courthouse  
Room 6010  
1 John F. Gerry Plaza, 4th & Cooper Sts.  
Camden, NJ 08101

Re: Jane Doe v. Marty Small, Sr., et al.  
Civil Action No. 1:21-cv-11189-JHR-SAK

Dear Judge Rodriguez:

We represent the interests of defendant, La-Quetta Small, in the above-referenced matter. On September 10, 2021, defendant Small, as well as codefendants, filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) for the October 4, 2021 return date. As such, plaintiff's opposition was due on September 20, 2021. See Doc. Nos. 41-42. Plaintiff did not file an opposition by September 20, 2021.

Also, plaintiff did not file a letter with the Clerk or serve such letter on opposing counsel as required by L. Civ. R. 7.1(d)(5) to obtain an automatic extension and adjourn the motion one cycle to the October 18, 2021 return date. Notwithstanding, plaintiff filed an opposition brief on October

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4, 2021 (the date a response would have been due for an October 18<sup>th</sup> return date), and filed the table of contents and authorities on October 6, 2021. These opposition papers do not indicate a return date for the motion. Further, PACER has defendants' motions scheduled for October 4, 2021.

If plaintiff's opposition is going to be considered, defendant respectfully requests that the motion be adjourned until November 1, 2021 to provide defendant sufficient time and opportunity to review the papers and submit a timely reply by October 25, 2021. On October 7, 2021, my office left a message for plaintiff's counsel seeking consent to adjourn the motion, and we are waiting for a response.

Thank you for your attention to this matter. Please feel free to contact me with any questions.

Respectfully submitted,

*/s/ Jeffrey L. Shanaberger*

Jeffrey L. Shanaberger

JLS/COM

cc: John A. Fonte, Esq.  
Terrell A. Ratcliff, Esq.  
Benjamin H. Zieman, Esq.